

Senate Bill No. 55 by Moore

I disapprove, and am vetoing and filing with the Secretary of State Senate Bill No. 55. This is a very simple bill. With limited exception as to elected and appointed city officials, the bill says that "a city shall not require a person to reside within the city as a condition of employment by the city."

Without reaching the issue of whether a city should or should not require its employees to live within its boundaries, I question the wisdom of our state government telling our local government what residence requirements it may impose upon its employees. This principal issue goes to the heart of home rule government.

Home rule government in Texas--recognized as a model in the nation--was extended to cities of more than 5,000 population by adoption of a constitutional amendment in 1912. This home rule system was devised to permit the expression of local will in local affairs, and it has proved to be the most effective form of government. Ideally, under our system, the exercise of choice occurs at the lowest possible level of government, and nothing in our experience with home rule in this state indicates that the choice in local affairs should be exercised elsewhere. During these past fifty-three years, home rule has served this state and the citizens so well that the Legislature has never found it necessary to infringe upon it directly.

Now, however, this Act would remove from our cities and their citizens the right of choice to decide matters of local public employment.

This would be analogous to the federal government passing legislation which says that the State of Texas cannot require a person to be a citizen of this state as a condition of employment by the state. Certainly, in that case, I think few people would argue that the federal government should impose such limitation upon our state government. By the same token, I strongly believe that our state government should not limit the authority of city government in this manner.

If a majority of the voters in a particular city want to include such a requirement within their own charter or employment policies, there is no inhibition to their doing so. But if, as many cities have done, a city decides that there is good reason to require all city employees to live inside the city, I think they should be entitled to impose this requisite to employment. Therefore, I disapprove Senate Bill No. 55.